

NC Voter Registration Qualifications

- Must be US Citizen
- Must be 18 by General Election
- Can't currently be serving a felony sentence (active, probation, parole)
- Must have resided at address for 30 days or more prior to general election



- (1) The place where a person considers home or if absent, intends to return.
 - a. If such residence is physically divided by a jurisdictional line or border, the bedroom or usual sleeping area shall be controlling as the residence of that person.
 - b. Disputes over a residency assignment are handled as provided in GS 163-86 and maps or other geographical data will serve as prima facie evidence of the person's geographic location.
 - c. In the instance that a person's residence is not associated with real property, the usual sleeping area of the person shall be considered the residence. The statement of a different mailing address from that of the physical address shall not prevent a person from declaring their residence.
- (2) A person shall not be considered to have lost that person's residence if that person leaves home and goes into another state, county, municipality, precinct, ward, or other election district of this State, for temporary purposes only, with the intention of returning.
- (3) A person shall not be considered to have gained a residence in any county, municipality, precinct, ward, or other election district of this State, into which that person comes for temporary purposes only, without the intention of making that county, municipality, precinct, ward, or other election district a permanent place of abode.



- (4) If a person removes to another state or county, municipality, precinct, ward, or other election district within this State, with the intention of making that state, county, municipality, precinct, ward, or other election district a permanent residence, that person shall be considered to have lost residence in the state, county, municipality, precinct, ward, or other election district from which that person has removed.
- (5) If a person removes to another state or county, municipality, precinct, ward, or other election district within this State, with the intention of remaining there an indefinite time and making that state, county, municipality, precinct, ward, or other election district that person's place of residence, that person shall be considered to have lost that person's place of residence in this State, county, municipality, precinct, ward, or other election district from which that person has removed, notwithstanding that person may entertain an intention to return at some future time.
- (6) If a person goes into another state, county, municipality, precinct, ward, or other election district, or into the District of Columbia, and while there exercises the right of a citizen by voting in an election, that person shall be considered to have lost residence in that State, county, municipality, precinct, ward, or other election district from which that person removed.



- (7) School teachers who remove to a county, municipality, precinct, ward, or other election district in this State for the purpose of teaching in the schools of that county temporarily and with the intention or expectation of returning during vacation periods to live where their parents or other relatives reside in this State and who do not have the intention of becoming residents of the county, municipality, precinct, ward, or other election district to which they have moved to teach, for purposes of registration and voting shall be considered residents of the county, municipality, precinct, ward, or other election district in which their parents or other relatives reside.
- (8) If a person removes to the District of Columbia or other federal territory to engage in the government service, that person shall not be considered to have lost residence in this State during the period of such service unless that person votes in the place to which the person removed, and the place at which that person resided at the time of that person's removal shall be considered and held to be the place of residence.
- (9) If a person removes to a county, municipality, precinct, ward, or other election district to engage in the service of the State government, that person shall not be considered to have lost residence in the county, municipality, precinct, ward, or other election district from which that person removed, unless that person votes in the place to which the person removed, and the place at which that person resided at the time of that person's removal shall be considered and held to be the place of residence.
- (9a) The establishment of a secondary residence by an elected official outside the district of the elected official shall not constitute prima facie evidence of a change of residence.



- (10) For the purpose of voting a spouse shall be eligible to establish a separate domicile.
- (11) So long as a student intends to make the student's home in the community where the student is physically present for the purpose of attending school while the student is attending school and has no intent to return to the student's former home after graduation, the student may claim the college community as the student's domicile. The student need not also intend to stay in the college community beyond graduation in order to establish domicile there. This subdivision is intended to codify the case law.



- Determination of residency must be made on an individual, case-by-case basis.
- All evidence and facts must be considered before ruling on the eligibility of a person to register, remain registered, and/or vote.
- General statutes should be interpreted broadly with the intention of preserving voting rights for citizens.



Registration - Forms (GS § 163-82.3)

- If new registration or changing party affiliation:
 - NC Form
 - Federal Form (EAC), or
 - FPCA (if covered under UOCAVA)
- If changing information on an already existing registration in that county:
 - NC Form
 - Voter Registration card, or
 - Letter



Challenges to Registration GS 163-84 - 90.3

- Registration records subject to objection and challenge during CBE normal business hours.
- Challenge made to CBE & required to be made in writing on forms prescribed by SBOE.
- Voters must be challenged individually. Mass challenges are not allowed.



Challenges to Registration - Grounds (GS 163-84 - 90.3)

- 1. Voter not a NC resident, resident of the county, or precinct for at least 30 days prior to the election.
- 2. Voter will not be 18 before next general election.
- 3. Voter has been convicted of a felony and citizenship rights have not been restored.
- 4. Voter is dead.
- 5. Voter not a US citizen.
- 6. Voter not resident of municipality (municipal registration only).



Challenge to Registration - On Day of Election (GS 163-84 - 90.3)

On election day, there are additional reasons a voter may be challenged:

- 1. Person has already voted
- 2. Person is not the voter
- 3. If voting in a primary, voter is registered with another political party



Challenge to Registration (GS 163-84 - 90.3)

- Preliminary Hearing
 - Burden of proof on challenger
 - If no testimony presented, then challenge must be dismissed
 - If there is evidence and CBE finds probable cause, then CBE must schedule hearing



Challenge to Registration - On Day of Election (GS 163-84 - 90.3)

- 1. On day of election, challenge must be made at the time the registered voter presents to vote.
- 2. Challenger must be registered voter of the precinct.
- 3. Challenger may enter voting enclosure, make challenge, then must leave.



Challenge to Registration - On Day of Election (GS 163-84 - 90.3)

If challenge sustained, then challenged voter can request a challenged ballot

The ballot must be marked as challenged and recorded next to the voter's name in the appropriate poll list or book.

Ballot will not be opened or counted except at the direction of a Superior Court Judge.



Challenge to Registration - On Day of Election(GS 163-84 - 90.3)

- 1. Challenger must know, suspect or reasonably believe the voter is not qualified.
- 2. Challenge must be substantiated by affirmative proof. Burden of proof is on the challenger.
- 3. If no proof, the presumption shall be on the voter.



Action when challenge sustained, overruled, or dismissed. § 163-90.2.

A decision by a county board of elections on any challenge made under the provisions of this Article shall be appealable to the Superior Court of the county in which the offices of that board are located within 10 days. Only those persons against whom a challenge is sustained or persons who have made a challenge which is overruled shall have standing to file such appeal.



§ 163-90.3. Making false affidavit perjury.

Any person who shall knowingly make any false affidavit or shall knowingly swear or affirm falsely to any matter or thing required by the terms of this Article to be sworn or affirmed shall be guilty of a Class I felony.